

REMARKS

Favorable reconsideration of this application and the Office Action of October 31, 2008 are respectfully requested in view of the foregoing amendments and the following remarks.

Filed concurrently herewith is a one-month Extension of Time Request and requisite fee to extend the deadline for response to February 28, 2009.

Claims 1, 3-5, 7-9 and 12-14 remain in this application as amended. Claims 1, 5, 7 and 12 has been amended in this response. Basis for the amendments to claims 1 and 5 is found in the specification at page 8, line 15 to page 10, line 6 and Figs, 3b, 3c and 4.

The rejection of claims 7-9 and 12 under 35 U.S.C. 112, has been obviate by correction of the dependency of claim 7 and eliminating the necessity for antecedent basis in claim 12. Therefore, reconsideration and withdrawal of the Section 112, rejection is respectfully requested.

It is noted that claims 12-14 have not been rejected on prior art and are thereby drawn to allowable subject matter.

The rejection of claims 1, 3-5, and 12-14 under 35 U.S.C. 102(a) as being anticipated by WO 02/09103 (Hendriks et al.) is respectfully traversed.

The disclosure in the Hendricks et al. document relates to a different problem and different device. The Hendriks et al. document is about making a stamper, whereas the present claimed invention relates to a master plate and a method of fabricating a master plate. This alone shows that the claimed invention is novel.

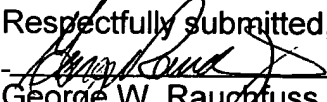
The Section 103 rejections of claims 1, 3, 4, and 7 over Hendriks et al. in view of Peterson et al. (US 5702767) and claims 1, 3, 4, and 7-9 over those references further in

view of Thompson (US 6361921) are respectfully traversed. Neither of these two secondary references cures the deficiencies of the Hendriks et al. disclosure as discussed hereinbefore. Therefore, the combinations of Hendriks et al. with either Petersen et al. alone or with Petersen and Thompson do not render the invention obvious to one skilled in the art.

Furthermore, if one were to attempt to use the substrate of the present invention to solve the problem addressed in the Hendriks et al. document one would not reach the effect that the height of the posts is well defined. In addition, the effect would be that the area between the posts is not flat.

Furthermore, the two layers disclosed in Hendriks et al. are obtained by the photoresist layers in two steps. This is in direct contrast to the invention of the present application claims that require that a single photoresist is provided thereon. These deficiencies are not cured by any disclosure in the cited references and, therefore, the claimed invention is booth novel and unobvious to one skilled in the art. Therefore, the USPTO is respectfully requested to reconsider and withdraw the 35 U.S.C. Section 103 rejections of claims 1, 3, 4, and 7 over Hendriks et al. in view of Peterson et al. (US 5702767) and claims 1, 3, 4, and 7-9 over those references further in view of Thompson (US 6361921).

It is respectfully submitted that this is a full and complete response to the Office Action of October 31, 2008 and that all the claims are allowable for at least the reasons stated. An early indication of their allowability by issuance of a Notice of Allowance is earnestly solicited.

Respectfully submitted,
By: 
George W. Raupfuss, Jr.
Reg. No. 24,459
Attorney for Applicant

Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, Tenth Floor
Stamford, CT 06901-2682
Tel: (203) 327-4500; Fax: (203) 327-6401
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